

• JS 44 (Rev. 3/99)

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Efficient Networks, Inc.

**DEFENDANTS**Cybertan Technology, Inc.  
Bromax Communications, Inc.

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Dallas County, TX

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

Carrington Coleman Sloman & Blumenthal LLP  
200 Crescent Court, Suite 1500  
Dallas, Texas 75201; see attachmentLaw Office of Lai & Associates, P.C.  
7322 S.W. Frwy, Suite 868  
Houston, TX 77074; see attachment**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- G 1** U.S. Government Plaintiff
- G 2** U.S. Government Defendant
- G 3** Federal Question (U.S. Government Not a Party)
- ☒ **G 4** Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                       |   |                            |                            |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input checked="" type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<b>G 110</b> Insurance <b>G 120</b> Marine <b>G 130</b> Miller Act <b>G 140</b> Negotiable Instrument <b>G 150</b> Recovery of Overpayment & Enforcement of Judgment <b>G 151</b> Medicare Act <b>G 152</b> Recovery of Defaulted Student Loans (Excl. Veterans) <b>G 153</b> Recovery of Overpayment of Veteran's Benefits <b>G 160</b> Stockholders' Suits <input checked="" type="checkbox"/> <b>G 190</b> Other Contract <b>G 195</b> Contract Product Liability	<b>PERSONAL INJURY</b> <b>G 310</b> Airplane <b>G 315</b> Airplane Product Liability <b>G 320</b> Assault, Libel & Slander <b>G 330</b> Federal Employers' Liability <b>G 340</b> Marine <b>G 345</b> Marine Product Liability <b>G 350</b> Motor Vehicle <b>G 355</b> Motor Vehicle Product Liability <b>G 360</b> Other Personal Injury	<b>PERSONAL INJURY</b> <b>G 362</b> Personal Injury—Med. Malpractice <b>G 365</b> Personal Injury—Product Liability <b>G 368</b> Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <b>G 370</b> Other Fraud <b>G 371</b> Truth in Lending <b>G 380</b> Other Personal Property Damage <b>G 385</b> Property Damage Product Liability	<b>G 610</b> Agriculture <b>G 620</b> Other Food & Drug <b>G 625</b> Drug Related Seizure of Property 21 USC 881 <b>G 630</b> Liquor Laws <b>G 640</b> R.R. & Truck <b>G 650</b> Airline Regs <b>G 660</b> Occupational Safety/Health <b>G 690</b> Other	<b>G 422</b> Appeal 28 USC 158 <b>G 423</b> Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <b>G 820</b> Copyrights <b>G 830</b> Patent <b>G 840</b> Trademark <b>SOCIAL SECURITY</b> <b>G 861</b> HIA (1395ff) <b>G 862</b> Black Lung (923) <b>G 863</b> DIWC/DIWW (405(g)) <b>G 864</b> SSID Title XVI <b>G 865</b> RSI (405(g)) <b>FEDERAL TAX SUITS</b> <b>G 870</b> Taxes (U.S. Plaintiff or Defendant) <b>G 871</b> IRS—Third Party 26 USC 7609	<b>G 400</b> State Reapportionment <b>G 410</b> Antitrust <b>G 430</b> Banks and Banking <b>G 450</b> Commerce/ICC Rates/etc <b>G 460</b> Deportation <b>G 470</b> Racketeer Influenced and Corrupt Organizations <b>G 810</b> Selective Service <b>G 850</b> Securities/Commodities/Exchange <b>G 875</b> Customer Challenge 12 USC 3410 <b>G 891</b> Agricultural Acts <b>G 892</b> Economic Stabilization Act <b>G 893</b> Environmental Matters <b>G 894</b> Energy Allocation Act <b>G 895</b> Freedom of Information Act <b>G 900</b> Appeal of Fee Determination Under Equal Access to Justice <b>G 950</b> Constitutionality of State Statutes <b>G 890</b> Other Statutory Actions
<b>REAL PROPERTY</b> <b>G 210</b> Land Condemnation <b>G 220</b> Foreclosure <b>G 230</b> Rent Lease & Ejectment <b>G 240</b> Torts to Land <b>G 245</b> Tort Product Liability <b>G 290</b> All Other Real Property	<b>CIVIL RIGHTS</b> <b>G 441</b> Voting <b>G 442</b> Employment <b>G 443</b> Housing/Accommodations <b>G 444</b> Welfare <b>G 440</b> Other Civil Rights	<b>PRISONER PETITIONS</b> <b>G 510</b> Motions to Vacate Sentence Habeas Corpus: <b>G 530</b> General <b>G 535</b> Death Penalty <b>G 540</b> Mandamus & Other <b>G 550</b> Civil Rights <b>G 555</b> Prison Condition			

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- G 1** Original Proceeding ☒ **G 2** Removed from State Court **G 3** Remanded from Appellate Court **G 4** Reinstated or Reopened **G 5** Transferred from another district (specify) **G 6** Multidistrict Litigation **G 7** Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. Section 1332, Section 1441(b); breach of contract with diversity

**VII. REQUESTED IN COMPLAINT:** **G** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** CHECK YES only if demanded in complaint **JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S)** (See instructions)

IF ANY

JUDGE

Hon. David Evans

DOCKET NUMBER

DV0307186-L

DATE

8/29/03

SIGNATURE OF ATTORNEY OF RECORD

Craig Cowin

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

Attachment to Civil Cover Sheet

Supplement to Section 1(c):

Plaintiff:

Attorneys:

David Coale

Jennifer Morris

Firm name and address: Carrington Coleman Sloman & Blumenthal, LLP  
200 Crescent Court, Suite 1500  
Dallas, TX 75201  
Phone: 214-855-3000

Defendants:

Attorneys:

Morris Tabak

Craig Corsini

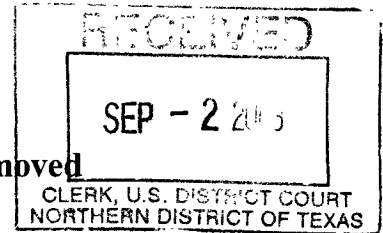
Wei-Hung Chao

Firm name and address: Law Offices of Lai & Associates, P.C.  
7322 Southwest Freeway, Suite 868  
Houston, TX 77074  
Phone: 713-988-5666

ORIGINAL

United States District Court  
Northern District of Texas

Supplemental Civil Cover Sheet For Cases Removed  
From State Court



This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

1. State Court Information:

3 03 CV 1976 - K

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

Court

Case Number

193rd District Court, Dallas County, TX

DV 03-07186-L

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Party and Party Type

Attorney(s)

Efficient Networks, Inc., Plaintiff  
(see attachment for defendants)

David Coale TBN:00787255  
Jennifer Morris;24013198  
Carrington Coleman  
Sloman & Blumenthal,LLP  
200 Crescent Ct., Ste.  
1500, Dallas, TX 75201

3. Jury Demand:

Was a Jury Demand made in State Court?

☒ Yes

☐ No

If "Yes," by which party and on what date?

Plaintiffs  
Party

July 16, 2003  
Date

**Supplemental Civil Cover Sheet**  
**Page 2**

4. **Answer:**

Was an Answer made in State Court?

• Yes

• No

If "Yes," by which party and on what date?

Defendants

Party

August 25, 2003

Date

5. **Unserved Parties:**

The following parties have not been served at the time this case was removed:

Party

Reason(s) for No Service

None

6. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

Party

Reason

None

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

Party

Claim(s)

None at this time.

Attachment to Supplemental Civil Cover Sheet for Cases Removed from State Court

Defendants:

Bromax Communications, Inc.  
Cybertan Technology, Inc.

Attorneys for Defendants:

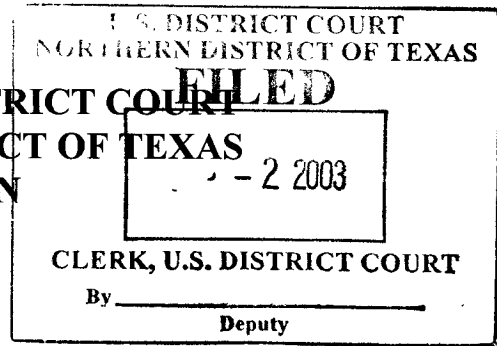
Mr. Morris Tabak TBN: 19599900; Federal ID No. 25578  
Mr. Craig Corsini TBN: 24012459; Federal ID No. 29242  
Mr. Wei-Hung Chao TBN: 24012412; Federal ID No. 23340

Firm name, mailing address, and phone number for above attorneys:

Law Offices of Lai & Associates, P.C.  
7322 Southwest Freeway, Suite 868  
Houston, TX 77074  
Phone number: 713-988-5666

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



**EFFICIENT NETWORKS, INC.,**  
**Plaintiff,**

**vs.**

**CYBERTAN TECHNOLOGY,**  
**INC. AND BROMAX**  
**COMMUNICATIONS,**  
**INC.,**  
**Defendants.**

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**CIVIL ACTION NO. \_\_\_\_\_**

**3 03 CV 1976 - K**

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

1. Defendants, Cybertan Technology, Inc. and Bromax Communications, Inc., by their undersigned attorneys, respectfully show this Court:
2. On July 16, 2003, Cause No. DV 03-07186-L was commenced against Defendants in the 193<sup>rd</sup> District Court of Dallas County, Texas, and is now pending therein.
3. On August 8, 2003, Defendants were served with Plaintiff's Original Petition in the above-entitled action.
4. As of the date of this filing, no pleadings have been filed in the state court action other than the Plaintiff's petition, Defendant's Original Answer,

Defendants' Notice of Filing Notice of Removal & Defendants' Amended Notice of Filing Removal. Copies of all process, pleadings and orders served upon Defendants and served upon Plaintiffs in the above-entitled action are attached hereto as Exhibit A, and filed herewith.

5. This Court has jurisdiction of the above-entitled action pursuant to 28 U.S.C. §1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C. §1441(b).

6. Removal is proper because the court has alienage jurisdiction. *See* 28 U.S.C. §1332(a)(2); *Coury v. Prot*, 85 F.3d 244, 248-251 (5<sup>th</sup> Cir. 1996). Specifically, Defendants Bromax Communications, Inc. and Cybertan Technology, Inc. are citizens of Taiwan, and all the parties are diverse.

7. A jury demand has been made in Cause No. DV 03-07186-L.

8. This notice is filed with this Court within 30 days after service on Defendants of Plaintiff's Original Petition in the above-entitled action.

WHEREFORE, Defendants pray that the above-entitled action be removed from the 193<sup>rd</sup> District Court of Dallas County, Texas to this Court.

Respectfully submitted,

Law Offices of Lai & Associates, P.C.

By: Morris Tabak /cc \*  
Mr. Morris Tabak

Federal ID No. 25578  
Texas Bar No. 19599900  
Mr. Craig Corsini  
Federal ID No. 29242  
Texas Bar No. 24012459  
Mr. Wei-Hung Chao  
Federal ID No 23340  
Texas Bar No. 24012412  
7322 S.W. Frwy, Suite 868  
Houston, Texas 77074  
Tel. (713)-988-5666  
Fax. (713)-988-8846

Attorneys for Defendants  
Cybertan Technology, Inc. and Bromax  
Communications, Inc.

*\* signed by permission /cc*



**CERTIFICATE OF SERVICE**

I certify that on August 30, 2003, a true and correct copy of Defendants' Notice of Removal was served by certified mail, return receipt requested on David S. Coale at Carrington Coleman Sloman & Blumenthal, LLP, 200 Crescent Court, Suite 1500, Dallas, Texas 75201.

  
\_\_\_\_\_  
Mr. Craig Corsini